

# United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: SOFTWARE INSTALLATION AND VALIDATION USING CUSTOM ACTIONS.

The specification of which was filed on September 21, 1998 as application serial no. 09/157,776.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 3 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such applications have been filed.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

No such applications have been filed.

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

No such applications have been filed.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

|                        |                 |                             |                 |                       |                 |
|------------------------|-----------------|-----------------------------|-----------------|-----------------------|-----------------|
| Anglin, J. Michael     | Reg. No. 24,916 | Forrest, Bradley A.         | Reg. No. 30,837 | Lundberg, Steven W.   | Reg. No. 30,568 |
| Arora, Suneel          | Reg. No. 42,267 | Hale, Jeffrey D.            | Reg. No. 40,012 | Mates, Robert E.      | Reg. No. 35,271 |
| Bianchi, Timothy E.    | Reg. No. 39,610 | Harris, Robert J.           | Reg. No. 37,346 | McCrackin, Ann M.     | Reg. No. 42,858 |
| Billion, Richard E.    | Reg. No. 32,836 | Holloway, Sheryl S.         | Reg. No. 37,850 | Padys, Danny J.       | Reg. No. 35,635 |
| Black, David W.        | Reg. No. 42,331 | Huebsch, Joseph C.          | Reg. No. 42,673 | Polglaze, Daniel J.   | Reg. No. 39,801 |
| Brennan, Thomas F.     | Reg. No. 35,075 | Kalis, Janal M.             | Reg. No. 37,650 | Sako, Katie E.        | Reg. No. 32,628 |
| Brooks, Edward J., III | Reg. No. 40,925 | Klima-Silberg, Catherine I. | Reg. No. 40,052 | Schwegman, Micheal L. | Reg. No. 25,816 |
| Clark, Barbara J.      | Reg. No. 38,107 | Kluth, Daniel J.            | Reg. No. 32,146 | Sieffert, Kent J.     | Reg. No. 41,312 |
| Crouse, Daniel D.      | Reg. No. 32,022 | Lacy, Rodney L.             | Reg. No. 41,136 | Slifer, Russell D.    | Reg. No. 39,838 |
| Drake, Eduardo E.      | Reg. No. 40,594 | Leffert, Thomas W.          | Reg. No. 40,697 | Terry, Kathleen R.    | Reg. No. 31,884 |
| Dryja, Michael A.      | Reg. No. 39,662 | Lemaire, Charles A.         | Reg. No. 36,198 | Viksnins, Ann S.      | Reg. No. 37,748 |
| Embretson, Janet E.    | Reg. No. 39,665 | Litman, Mark A.             | Reg. No. 26,390 | Woessner, Warren D.   | Reg. No. 30,440 |
| Fogg, David N.         | Reg. No. 35,138 |                             |                 |                       |                 |

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402  
Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of sole inventor : John C. Delo  
Citizenship: United States of America Residence: Bellevue, WA  
Post Office Address: 3135 170th Avenue NE  
Bellevue, WA 98008  
Signature: John C. Delo Date: 6/10/98

Full Name of inventor: \_\_\_\_\_ Residence: \_\_\_\_\_  
Citizenship: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor: \_\_\_\_\_ Residence: \_\_\_\_\_  
Citizenship: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor: \_\_\_\_\_ Residence: \_\_\_\_\_  
Citizenship: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

## ASSIGNMENT

WHEREAS, I, John C. Delo (hereinafter referred to as ASSIGNOR), having a post office address of 3135 170th Avenue NE, Bellevue, WA 98008, am the inventor of an invention entitled "SOFTWARE INSTALLATION AND VALIDATION USING CUSTOM ACTIONS", as described and claimed in the specification forming part of an application for United States letters patent filed September 21, 1998 and assigned serial number 09/157,776;

WHEREAS, Microsoft Corporation (hereinafter referred to as ASSIGNEE), a corporation of the State of Washington having a place of business at One Microsoft Way, Redmond, WA 98052-6399, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby sells, assigns and transfers unto said ASSIGNEE, the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNOR had this assignment, transfer and sale not been made. ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNOR agrees to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding said letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

## ASSIGNMENT

Applicant:  
Invention:

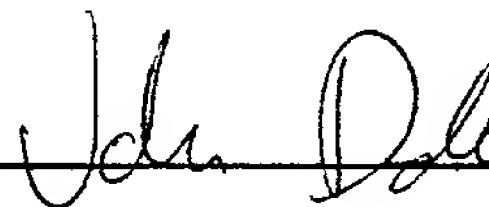
John C. Delo  
SOFTWARE INSTALLATION AND VALIDATION USING CUSTOM ACTIONS

Docket No.: 777.187US1

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IN TESTIMONY WHEREOF, I have hereunto set my hand this 10<sup>th</sup> day of Nov., 1998.

John C. Delo



STATE OF WA)

)ss.

COUNTY OF King)

On this 10 day of November, 1998 before me personally appeared John C. Delo to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

[SEAL]

  
Melissa Whitmore

Notary Public

